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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,437	07/05/2001	Pierre-Guillaume Raverdy	50P4432.01/1596	3370

24272 7590 12/08/2004

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EXAMINER

AMSBURY, WAYNE P

ART UNIT PAPER NUMBER

2161

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/899,437

Applicant(s)

RAVERDY ET AL.

Examiner

Wayne Amsbury

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8, 28 and 45 is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-27, 29-44 and 46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

CLAIMS 1-46 ARE PENDING

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: a relationship between an event server as set forth in claim 1 (21) and the potential paths of connection as set forth in claim 4 (24). So long as a connection is made, the details of an access code and event serving appear to have no connection with the paths of connection.

Claims 5-7, 25, 26 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: a relationship between the specified elements of a user device and an event server. There is no apparent connection between details of a user device such as a removable memory interface and/or updating application software with a system for providing event content so long as a connection is made.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 21-23 and 43-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Murphy, US 6,564,380, 13 May 22003.

Murphy is directed to a system and method for sending event content in the form of live video over the Internet so that it may be received on a remote computer [COL 6 lines 25-51]. Management of event content involves several servers including a Master Video List Server [FIG 5].

As to claim 1, communication to the user may include wireless links [FIG 2; COL 7 lines 12-16, and elsewhere], which inherently involve wireless communications procedures.

The management system provides for access to content by a requesting party with the use of an access code [COL 3 lines 25-53]. Several modes of access in Murphy involve the expiration of access, which inherently includes the expiration of an access code that provides access. The term *event* implies a finite duration and a number of types of events are included in the system of Murphy [COL 5 lines 14-27]; *pay-per-view* [COL 7 lines 46-49] is access of limited duration; the Publishing Point system of access

in Murphy may be provided for only a given period [COL 11 lines 39-45]; access may be provided for a specified time duration as evidenced by the pricing structure of FIG 6.

As to **claim 2**, event content may be related to specified events, locations and participants as noted at COL 5 lines 23-27 and elsewhere.

As to **claim 3**, the user device may be a computer as noted at COL 6 lines 35-39, or a PC as implied at COL 11 lines 50-55, FIG 7 and the use of browsers in general.

The elements of **claims 21-23 and 43-44** are rejected in the analysis above and these claims are rejected on that basis.

4. Claims 4, 24 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy, US 6,564,380, 13 May 22003 in light of Goldberg, US 6,466,938, 15 October 2002.

As to **claim 4 (24, 46)**, Murphy does not explicitly teach the use of multiple paths of connection between user and the event server. Goldberg is directed to locating a device such as a user device with the use of redundant data, but is not directed to providing content *per se*.

Goldberg teaches that it is sometimes desirable to measure and report the location of an object such as a user device [COL 1 lines 14-21]. Location errors are reduced by the use of multiple paths, including direct and indirect paths [COL 2 lines 47-61], and multiple reference sources that may be either direct or indirect [COL 2 lines 62-67].

4. Claims 5-7, 9-12, 14-20, 25-27, 29-32 and 34-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy, US 6,564,380, 13 May 22003 in light of Sass et al (Sass), US 6,769,028, 27 July 2004.

As to **claims 5-7**, Murphy shares streaming media but does not address the details of computer devices as claimed. Sass is directed to the sharing of streaming media links with users, and sets forth some of the details of the user devices and servers. In particular, Sass is directed to wireless connections [COL 1 lines 14-24; COL 2 lines 10-23].

Processors, operating systems, sound cards, removable memories and the like are described at COL 6 lines 1-21 and elsewhere. The use of profiles is noted at COL 2 lines 49-67. The use of logins is noted at COL 12 lines 11-22. The referrer identifier of this passage corresponds to metadata, as does much of login and profile data. The use of passwords is noted at COL 10 lines 58-65.

As to **claim 18**, Official Notice is taken that login procedures were associated with logoffs and re-logins in common practice, and that connection sessions are of limited duration.

As to **claim 19**, a start time and duration determine the time slot during which an event occurs. Duration corresponds to a threshold of time to be allotted, which causes an event to be terminated. Murphy provides for the purchase of time.

It would have been obvious to one of ordinary skill in the art at the time of the invention to expire access with respect to a threshold because of the specified duration of many events as supported by both Murphy and Sass.

The elements of **claims 9-12, 14-17, 20, 25-27, 29-32, and 34-40** are rejected in the analysis above and these claims are rejected on that basis.

As to **claim 41**, Sass tracks user selections that correspond to feedback to the server, and the user provides feedback of various kinds at least during registration [COL 10 line 58 and after].

5. Claims 13, 33 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy, US 6,564,380, 13 May 22003 in light of Johnson et al (Johnson), US 5,604,800, 18 February 1997.

Murphy does not address the use of his system involving tickets and the like, although it is clear that the events supported by that system commonly involve these attributes. Johnson is directed to access management that can be applied as a general purpose ticketing device essentially as claimed, using authorization codes and purchase of admission [COL 61 lines 14-46].

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide for purchase and ticketing and associated elements of financial transactions in the system of Murphy because it is directed to events that inherently include such activities. To exclude them would severely limit the applications of Murphy.

6. Claims 8, 28 and 45 are allowed.

The inclusion of access rights including one or more time-stamped access capabilities that each correspond to a different event service in the context of the other elements of the claim is neither anticipated nor suggested by the prior art of record.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 571-272-4015. The examiner can normally be reached on M-F 6-18:30 FIRST WEEK.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WPA


WAYNE AMSBURY
PRIMARY PATENT EXAMINER